

# County of Santa Clara

Department of Planning and Development  
County Government Center, East Wing, 7<sup>th</sup> Floor  
70 West Hedding Street  
San Jose, California 95110



	<b>Administration</b>	<b>Development Services</b>	<b>Fire Marshal</b>	<b>Planning</b>
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## Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	APN(s)	Date
PLN20-095	728-04-007	7/8/2021
Project Name	Project Type	
Shafer Avenue 2-Lot Subdivision	Tentative Subdivision Map	
Person or Agency Carrying Out Project	Address	Phone Number
Sean and Tashana Burke	2460 Shafer Avenue	(408) 644-6200
Name of Applicant	Address	Phone Number
Amanda Musy-Verdel, Hanna Brunetti	7651 Egleberry St, Gilroy,	(408) 842-2173
Project Location	The project is located at 2460 Shafer Avenue in unincorporated Morgan Hill (see Figure 1), with the nearest major intersection at Hill Road.	
Project Description	The proposed project is a two-lot subdivision of an approximately 58-acre parcel. The proposed Tentative Parcel Map is shown on Figure 2. Parcel B, which contains an existing residence that would remain, is proposed to be approximately 20 acres. Parcel A, which would be approximately 38 acres, could be developed with a new residence, subject to obtaining design review. A feasible location for a future residence is shown on Figure 3. However, construction of a residence on Parcel A is not proposed as part of this subdivision. No trees would be removed as part of the proposed development. No buildings would be demolished, although two unpermitted mobile buildings would be removed. A new segment of driveway would be constructed along with two fire truck turnarounds for a total of 4,520 square feet (sf) of new impervious surfaces. However, there would be approximately 5,016 sf reduction in impervious surfaces from removal of an old driveway segment and unpermitted mobile buildings, for a net reduction in impervious surface of 496 sf. Grading cut and fill for the driveway realignment would be 177 and 92 cubic yards, respectively, with a maximum cut depth of 3.5 feet.	
Purpose of Notice	The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, <b>finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur.</b> The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).	
A public hearing for the proposed project is tentatively scheduled for the Zoning Administrator in August either through a virtual teleconference meeting or in the County Government Center. A separate notice will be sent to you informing you of the hearing date and meeting format. It should be noted that the approval of a Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.		

<b>Public Review Period:</b> 20 days	<b>Begins:</b> July 8, 2021	<b>Ends:</b> July 28, 2021
Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the attention of David Rader at <a href="mailto:david.rader@pln.sccgov.org">david.rader@pln.sccgov.org</a> . A file containing additional information on this project under the file number appearing at the top of this form is available for public review. For additional information regarding this project and the Mitigated Negative Declaration, please contact Charu Ahluwalia at (408) 299-5740 or <a href="mailto:charu.ahluwalia@pln.sccgov.org">charu.ahluwalia@pln.sccgov.org</a> .		
<b>The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:</b>		
(1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7 <sup>th</sup> Floor, San Jose, CA 95110 (2) Planning & Development website: <a href="http://www.sccgov.org/sites/dpd">www.sccgov.org/sites/dpd</a> (under "Development Projects" > "Current Projects"> PLN20-095)		
<b>Responsible Agencies sent a copy of this document</b>		
CAL FIRE, Morgan Hill School District		
<b>Mitigation Measures included in the project to reduce potentially significant impacts to a less-than-significant level:</b>		
<i>Archaeological Monitoring During Construction</i>		
The following measures would apply to future construction of a single family residence on Parcel A:		
<ul style="list-style-type: none"> <li>• Prior to the issuance of a grading permit, a contract with a registered Archaeologist for grading monitoring shall be submitted by the applicant and approved by the County Department of Planning and Development (Planning Department).</li> <li>• Prior to grading activities commencing a registered Archaeologist shall be on site to monitor grading activities until it can be demonstrated that earthwork activities cannot impact any sensitive cultural resources.</li> <li>• If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by the CEQA Guidelines. The archaeologist shall submit reports, to the satisfaction of the Planning Department, describing the testing program and subsequent results. These reports shall identify any program mitigation that the applicant shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)</li> <li>• In the event that human remains and/or cultural materials are found, all project-related demolition shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required.</li> <li>• In the event of the discovery of human remains during demolition, there shall be no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</li> <li>• If archaeological resources are encountered during monitoring, a final report shall be submitted to the Planning Department prior to final grading inspection. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources.</li> </ul>		
A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.		
<b>Prepared by:</b> David Rader, Senior Planner	DocuSigned by: <i>David Rader</i> 70AA501202DD4D8...	7/8/2021
<b>Approved by:</b> Manira Sandhir, Principal Planner, AICP	DocuSigned by: <i>Manira Sandhir</i> 6BD296E8C7554B3...	<b>Signature</b> Date 7/8/2021

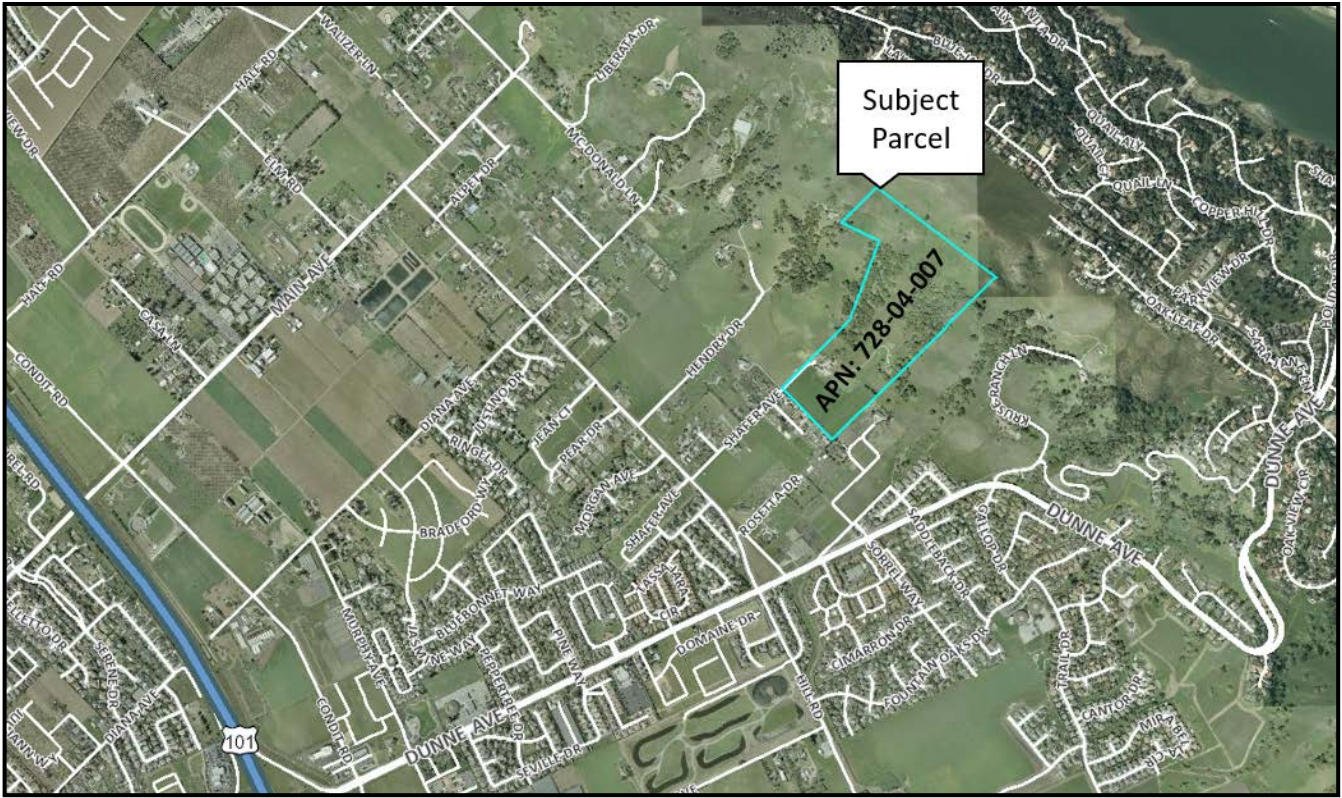


Figure 1 - Location Map

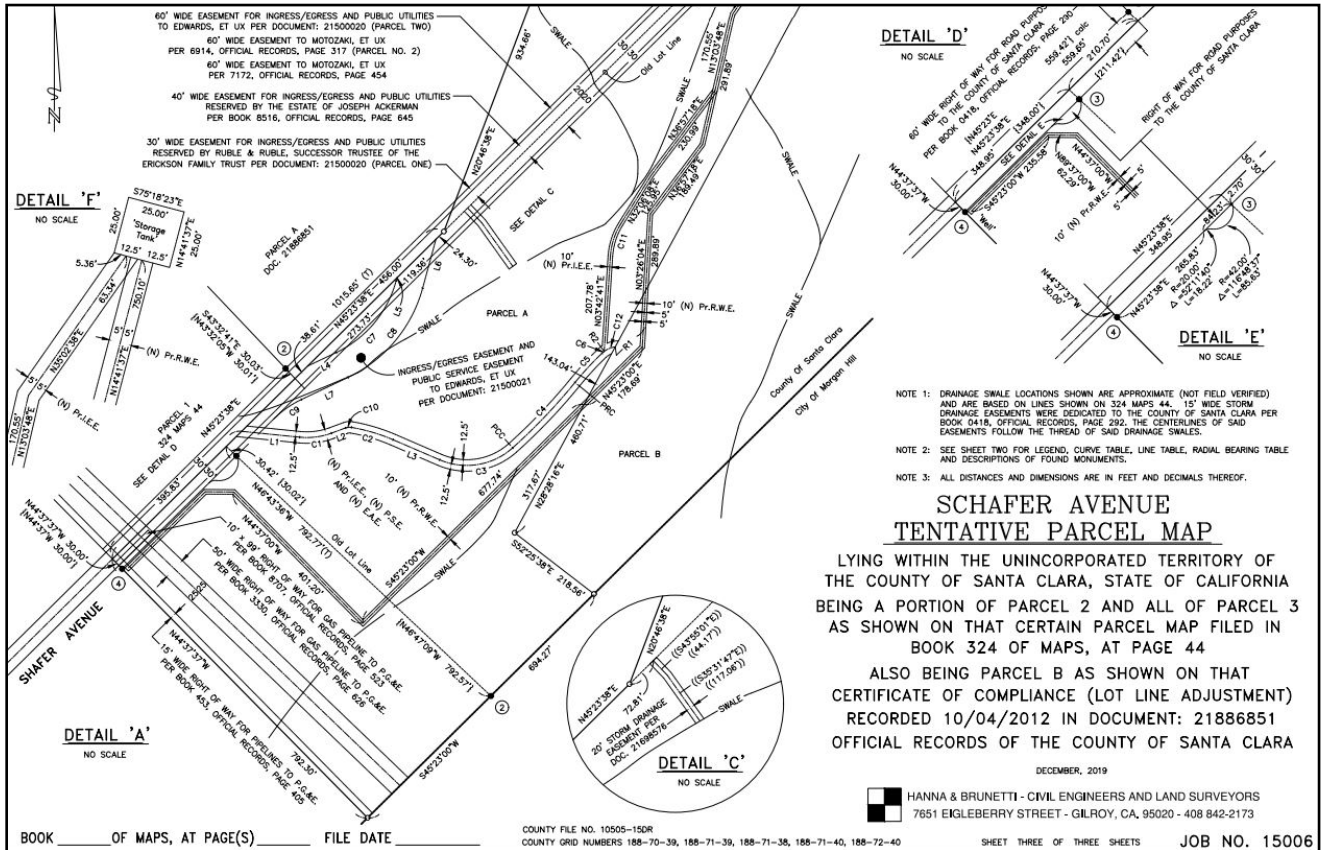


Figure 2 - Site Plan

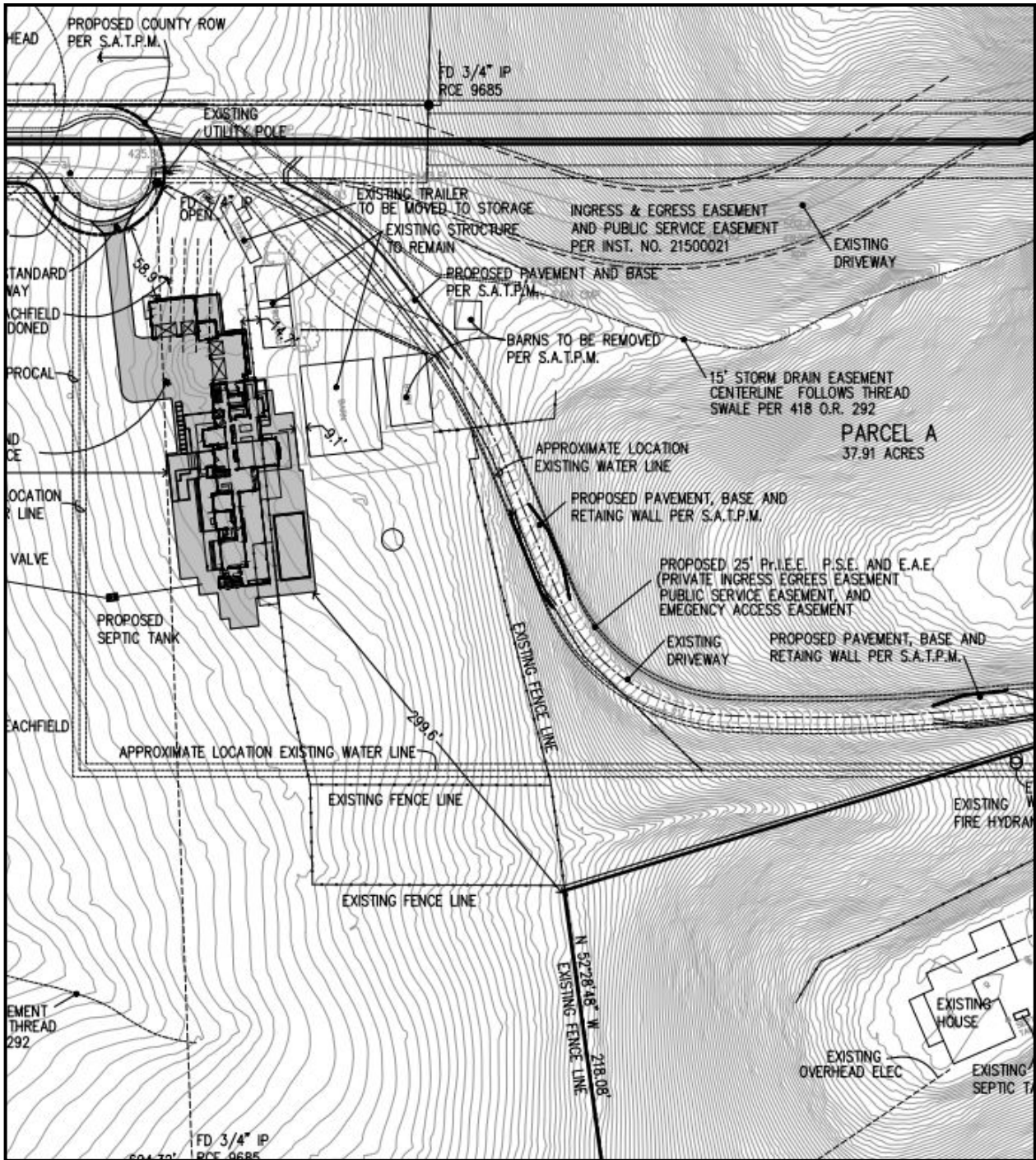


Figure 3 - Site Plan for Residential Development Feasibility of Parcel A